

**State Board of Education Meeting Audio - Part 1**

**Opening, Call to Order, Roll Call, Approval of Agenda, Approval of Minutes, Formal Public Comment, Committee Reports from State Board Members, Update from Executive Director, Update on Statewide Review of Educational Opportunities**

Meeting called to order at 1:07 p.m. The following members of the State Board were present: Teri Quinn Gray, President; Nina Lou Bunting; Gregory B. Coverdale, Jr., G. Patrick Heffernan; and Barbara B. Rutt. Secretary of Education Steven Godowsky was present to serve as the Executive Secretary for the State Board and the Board's Executive Director, Donna Johnson, was also present.

The agenda was approved as presented. A motion was made by Mr. Heffernan and seconded by Mrs. Bunting to approve the agenda as presented. The motion carried unanimously by voice vote.

Minutes from the work session of October 15, 2015 were distributed prior to the meeting. A motion was made by Mrs. Rutt to approve the minutes of the work session as presented. The motion was seconded by Mr. Heffernan and carried by voice vote (Abstain – Mr. Coverdale).

Minutes from the regular meeting of October 15, 2015 were distributed prior to the meeting. A motion was made by Mrs. Rutt to approve the minutes of the regular meeting as presented. The motion was seconded by Mrs. Bunting and carried unanimously by voice vote.

Public Comment

Sabine Neal, a parent, addressed the Board on Special Education issues. Her child is a former student at Academy of Dover. She spoke of the many obstacles she faced for her child to be diagnosed to receive special education services and to have an IEP developed.

Kevin Ohlandt, as parent, provided an analogy of driving a bus and the obstacles of the road to how education policies are decided upon in Delaware. He reminded the State Board that every time they meet they are making decisions for the children of Delaware.

Representative Kim Williams commented that the voices of committee members are not being heard and she asked that Board members start visiting schools and communities to learn what is actually occurring in schools and districts. She also stated that she would introduce legislation to change the State Board's public comment policy for action items.

Mike Matthews is President of the RCEA stated he spoke for the 1200 teachers in his districts and invited the Board to attend the four public hearings scheduled for the WEIC proposal to hear the comments personally.

Kendall Massett is the Executive Director of the Delaware Charter School Network, informed the Board and audience of the School Choice Expo scheduled for Saturday, December 5<sup>th</sup> that is geared for parents on the options available for their children. Ms. Massett thanked the State Board members for their hard work and commented that she does see State Board members at various functions and events.

Ms. Johnson noted that Representative Paul Baumbach had sent written public comment to the Board which was distributed to each State Board member.

### Committee Reports and Executive Director's Update

Board members highlighted their monthly activities. Mrs. Bunting stated that DSBA had postponed its Annual meeting until a later date. Mr. Heffernan attended the public hearing for Delaware MET and Mr. Coverdale noted that he attended the NASBE Annual Conference. Mrs. Rutt attended the meeting of the Education Funding Improvement Commission as she is the Board's representative for that task force. Mrs. Bunting commented on the State Board's retreat and Dr. Gray also highlighted some of the discussions from the Retreat. Mrs. Bunting also commented on the NASBE Annual Conference as well as the Board's workshop on superintendent evaluation. Ms. Johnson provided future topics for SBE workshops and also announced the Governor's Birth to 8 Summit scheduled for February 10, 2015. She also mentioned the news articles and links that were posted as part of her report.

### Statewide Review of Educational Opportunities

Ms. Johnson was joined by Dr. Susan Haberstroh from the Department and provided the scope of the project as well as the timeline. PCG is the State's research partner analyzing current specialized educational opportunities in Delaware public schools and will be producing a report on these opportunities with data and an interactive map. The final report will be presented to the State Board at its December 17<sup>th</sup> meeting. Some preliminary data was shared that included the percent of students that choose outside their home district as well as the schools they chose to attend; traditional district, vocational or charter.

### **State Board of Education Meeting Audio – Part 2 Secretary's Report, Educators as Catalysts**

#### Secretary's Report

Secretary Godowsky noted that it was Delaware College Application Month and also noted that the Department was also working on its budget hearing presentation scheduled for next week. He stated that the conversation at the Board's retreat with representatives from all higher education institutions on the education prep scorecards was beneficial and thanked the Board for including him in that discussion.

#### Educators as Catalysts

Joined by several computer science students and their teachers, Chief Academic Officer Michael Watson and CTE and STEM Director Luke Rhine provided an overview of the Computer Science Program of Study. The three course program engages students in open-ended problem solving which students study computational practices like algorithm development and problem solving relevant to everyday life. Sharon Elzey from Cape Henlopen High School; Lisa Ueltzhoffer and Tanga Myers from Newark Charter and Ann Devine from Dover High School highlighted the programs in their schools. Mr. Rhine also announced that Caesar Rodney, Cape Henlopen, Christiana, Newark, William Penn and Milford High Schools were grant award recipients. The Board also heard experiences from students participating in the MOOC which prepares a student for the AP Computer Science assessment and can result in college credit.

The Board recessed from 2:20 p.m. to 2:34 p.m.

**State Board of Education Meeting Audio – Part 3**  
**WEIC Update, College Access Initiatives/Office of Higher Education Update, Delaware Accountability System, Regulations, Charter Schools**

WEIC Update

There was no formal presentation on WEIC but Ms. Johnson noted that information and links posted on how to submit public comment on the proposal. Five public hearings have been scheduled and at the Board's December meeting the plan will be formally presented.

Higher Education Update

Shana Payne from the Department's Higher Education Office provided the State Board with an update on initiatives. College Access Month provided all students with a packet this year. Students are also receiving assistance with FAFSA completion. Communications on scholarships has been increased to remind students of application deadlines and scholarships available through the online Scholarship Compendium. The Board received an update on school counselor reform to increase educational opportunities for school counselors and a train the trainer model for lead counselors. Ms. Payne reviewed the major FAFSA changes for the Class of 2017 and the use of Khan Academy for SAT preparation.

Delaware School Success Framework

Penny Schwinn and Ryan Reyna presented the final revisions to the State's ESEA flexibility and recommendations to the State Board for the Delaware School success Framework. The State's ESEA flexibility waiver has been approved through the end of 2015-2016 but renewal for 2017-2018 is contingent upon submission of an amended request that incorporates the final version of DSSF and demonstration that DSSF will also Delaware to name priority, focus, and reward schools in the future. It was noted that additional focus and priority schools will not be named for at least three years as current schools move through the process. The Board received the whole system overview that includes Part A which are components that are rated and Part B which are components that are presented but not rated. Dr. Schwinn stated that the Accountability Framework Working Group (AFWG) has not revised their recommendation. There was discussion on the 95% participation rate and it was noted that if a school achieves the 95% they receive 100% of the points which makes it a positive consequence for those testing more than 95%. Mr. Reyna stated that based on the participation rate multiplier, no schools would have decreased their overall rating and one school actually increased its overall rating. In the area of academic achievement alone, one school had a decreased rating and three schools improved. There was discussion on the AMO's and performance thresholds and the weighted metrics by the AFWG. It was noted that all the recommendations of the AFWG are included with the exception of the participation rate. It was also explained that DESS would receive an update on the AMO's in December. Secretary Godowsky commented that he felt that the most important measurable outcome was the idea of the inclusion and strong weight for growth as brought forth by the AFWG. The Department hopes to receive a response from the U.S. Department of Education in January. After final approval, the

Department would begin revising Regulation 103 as there would be sixty days to promulgate those revisions and bring to the board for discussion and action.

A motion was made by Mr. Coverdale to approve the ESEA Flexibility Waiver application revisions as outlined in the presentation. The motion was seconded by Mr. Heffernan and carried by roll call vote (Yes: Dr. Gray, Mr. Heffernan, Mr. Coverdale, Mrs. Rutt. No: None. Abstain: Mrs. Bunting).

### Department Regulations

Tina Shockley presented the Department's regulations before the Board.

Regulation 286 was before the Board for discussion. This regulation is being created pursuant to House Bill 146 of the 148<sup>th</sup> General Assembly which revises the regulation to charge a fee for educator licensure. Erin Pieshala from the Department's Licensure and Certification Work Group was present to respond to questions.

Regulation 1007 was before the Board for action. It is a DIAA regulation on sportsmanship and the changes align the Code of Interscholastic Athletics to those set by the National Federation of State High Schools. Kevin Charles, DIAA Executive Director, was present to respond to questions. A motion was made by Mrs. Rutt to assent to the amendment to Regulation 1007 Sportsmanship. The motion was seconded by Mr. Coverdale and carried unanimously by voice vote. The appropriate Order was signed.

### Charter Schools

Director of the DOE Charter School Office, Jennifer Nagourney, provided an overview of charter renewals, the annual report template and plans for performance framework and regulation revision. She stated that Mapleton Charter School has withdrawn its modification application surrendered its charter. Also the 2014-2015 Organizational Framework Reports and Financial Framework Reports have been published to the Charter School Office website and the Board received information on the 2014-2015 Annual Report and the Tier placement of all charter schools. A brief update on the probations conditions was reported for Academy of Dover, Delaware Design Lab, Freire Charter and Prestige. The renewal process and timeline for 2015-2016 was also highlighted as well as the formal review process and timeline for Delaware MET.

## **State Board of Education Meeting Audio – Part 4 Professional Standards Board**

### Professional Standards Board

Stephanie Smith, a member of the Professional Standards Board presented the PSB items to the State Board.

Regulation 1522 Elementary School Counselor was approved for publication. The motion was made by Mr. Heffernan and seconded by Mrs. Rutt. The motion carried unanimously by voice vote. Regulation 1545 Secondary School Counselor was approved for publication. The motion

was made by Mr. Coverdale and seconded by Mrs. Bunting. The motion carried unanimously by voice vote.

Regulation 1502 Professional Growth Salary Increments was discussed. Erin Pieshala from the Department's Licensure and Certification Work Group highlighted the proposed changes. Regulation 1506 Emergency Certificate was also discussed.

A motion was made by Mrs. Rutt to approve the amendment to Regulation 1559 Skilled and Technical Science Teacher. The motion was seconded by Mr. Coverdale and carried unanimously by voice vote. The appropriate Order was signed.

A motion was made by Mrs. Bunting to approve the amendment to Regulation 1583 School Psychologist. The motion was seconded by Mrs. Rutt and carried unanimously by voice vote. The appropriate Order was signed.

A motion was made by Mr. Heffernan to approve the amendment to Regulation 1595 Certification Program for Leaders in Education. The motion was seconded by Mrs. Bunting and carried unanimously by voice vote. The appropriate Order was signed.

The Board recessed for five minutes.

## **State Board of Education Meeting Audio – Part 5**

### **Appeals and Reviews**

#### Appeals and Reviews

##### Executive Session

##### J.W. v. Brandywine School District Board of Education (2015-04) – For Action

A motion was made by Mrs. Rutt that the State Board go into Executive Session for the purposes of considering this student appeal and the student's pupil file. The motion was seconded by Mrs. Bunting and carried unanimously by voice vote. The Board entered into Executive Session at 4:38 p.m.

Deputy Attorney General Kirshon provided the State Board with an update on the current appeal.

## **State Board of Education Meeting Audio – Part 6**

### **Appeals and Reviews, School Bus Safety Poster Contest Winners, Information Items, Adjournment**

The Board returned to open session on a motion by Mr. Heffernan. The motion was seconded by Mrs. Bunting and carried unanimously by voice vote. The Board returned to open session at 5:12 p.m.

A motion was made by Mr. Heffernan that having read and considered the record of the proceedings below, including the hearing recording, any submissions to the hearing officer including exceptions and comments filed by the parties and that the Proposed Order not be accepted by the State Board. The motion was seconded by Mr. Coverdale and carried unanimously by voice vote. An additional motion was made by Mr. Coverdale that the student five day

suspension be expunged from the student's record. The motion was seconded by Mrs. Bunting and carried unanimously by voice vote.

Ms. Kirshon indicated that an Order and signature pages would be distributed to the State Board members for review and signature.

School Bus Safety Poster Contest Winners

Ron Love, Education Associate for Pupil Transportation, explained that the statewide school bus safety poster contest was held in September to promote National School Bus Safety Week October 19-23, 2015. The theme used this year was "Bully Free Zone." The winning posters at the State level were submitted to the National School Bus Safety Week Committee, for final judging at the National Association of Pupil Transportation Conference in Memphis, Tennessee.

The winners were as follows:

Division I (K-2)

Gia Szulborski

2<sup>nd</sup> Grade

Blades Elementary

Teacher: Ms. Lisa Cherivtch

Seaford School District

Guardian: Sheryl Szulborski

Division II (3-5)

Zoe Fromal

4<sup>th</sup> Grade

Etta J. Wilson Elementary School

Teacher: Mrs. Wamsley & Mrs. Grillo

Christina School District

Parents: Jessie Fromal & Francis Fromal

Division III (6-8)

Gemma Williamson

7<sup>th</sup> Grade

Cab Calloway School of the Arts

Teacher: Ms. Lindsey Ostafy

Red Clay School District

Parents: Greg & Meg Williamson

Division V (CAD)

Brittany Ritter

11<sup>th</sup> Grade

Sussex Technical High School

Teacher: Kelli Gehrke

Parents: Douglas & Kara Ritter

Each student was recognized and congratulations were extended. Mr. Love announced that Brittany Ritter was not only Delaware's winner but a national winner as well.

Adjournment

There being no further business, a motion was made by Mrs. Rutt to adjourn the meeting. The motion was seconded by Mr. Heffernan and carried unanimously by voice vote.

The meeting adjourned at 5:29 p.m.

Respectfully Submitted;

Steven H. Godowsky, Executive Secretary and  
Secretary of Education

**Executive Session**  
**Appeals and Reviews**

J.W. v. Brandywine School District Board of Education (2015-04) – For Action

Since school disciplinary matters are confidential the Board entered into Executive Session pursuant to 29 *Del. C.* § 10004(b)(7). The motion was made by Mrs. Rutt, seconded by Mrs. Bunting and carried unanimously. The Board went into Executive Session at 4:38 p.m. The Board discussed the appeal with Ms. Kirshon. The student's father was in attendance.

Ilona Kirshon, Deputy Attorney General highlighted the appeal item. She also advised the SBE that this executive session was being recorded since there were exceptions and comments filed with the Board after the parties had received the proposed decision of the Hearing Officer. The SBE discussed the manner in which the Brandywine School District Board of Education handled the expungement request at its July 20, 2015 Board meeting. It was noted that the student disciplinary expungement matter was not on the BSD Board's agenda as an executive session item; that no motion was made to go into executive session to discuss the expungement request; that there were no minutes provided that indicated what discussion, if any, was had on the expungement request in executive session; and that no motion was made in open session on the BSD Board's decision on the matter. The SBE agreed that the BSD Board of Education's attorney's email to Student's attorney on July 21, 2015 indicating that the expungement request had been denied by the Board was not backed by substantial evidence on the record, and that the process engaged in by the BSD Board of Education was not compliant with the Open Meetings requirement of the State Freedom of Information Act. Additionally, the SBE determined that the decision not to expunge was arbitrary and capricious.

Upon motion, the Board returned to open session at 5:12 p.m.

Respectfully Submitted;

Steven H. Godowsky, Executive Secretary and  
Secretary of Education